In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 15082 of 2005

Date of Decision: 29.8.2006

Darshan Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Ms. Mayuri Lakhanpal Kalia, Advocate
for the petitioner.

Mr. Ashok Aggarwal, Addl. A.G., Punjab
for the respondents.

...

J.S. Khehar, J. (Oral).

The petitioner was inducted into the service of the Punjab Roadways, Jalandhar, as a conductor on 30.6.1974. The services of the petitioner, however, came to be terminated by an order dated 30.1.1982.

The petitioner preferred a civil suit so as to challenge the order of his termination dated 30.1.1982. Although, the civil suit preferred by the petitioner was decreed on 14.8.1991 by the trial Court, and the appeal preferred by the respondents was dismissed by the lower Appellate Court, and the Regular Second Appeal preferred by the respondents was also dismissed by this Court, yet it is not a matter of dispute, that the Petition for Special Leave to Appeal preferred by the respondents before the Supreme Court, emerging out of the judgement and decree rendered by the trial Court on 14.8.1991, was al1owed. In view of the above, it is natural to conclude, that in the final analysis, the order of termination of the petitioner from

service, dated 30.1.1982 came to be upheld, on the judicial side, by the Supreme Court.

Although, the petitioner had been reinstated in service consequent upon the decision rendered by the trial Court on 14.8.1991, his services were dispensed with by the impugned order dated 17.6.2005 in furtherance of the order passed by the Supreme Court in Petition for Special Leave to Appeal (Civil) No.12084 of 1993 (re-numbered as Civil Appeal No.3776 of 1996) titled as State of Punjab Vs. Darshan Singh, on 15.2.1996. In the facts and circumstances noticed hereinabove, we find no infirmity in the impugned order dated 17.6.2005 (Annexure P-1), which, in fact, emerges from the decision rendered by the Supreme Court, referred to hereinabove.

Despite our aforesaid conclusion, it is pertinent to mention, that the learned counsel for the petitioner states, that the petitioner was never served in the matter, which came to be adjudicated upon by the Supreme Court on 15.2.1996, and as such, the order of termination of the petitioner's services dated 17.6.2005, must be deemed to be an order passed against the petitioner in a matter, in which he had no notice, whatsoever.

It is not possible for us to accept the instant contention of the learned counsel for the petitioner. If the factual position asserted by the learned counsel for the petitioner is truthful, the petitioner ought to have approached the Apex Court for the redressal of his grievances, in accordance with law. Since the petitioner has not chosen to approach the Supreme Court, in connection with the order dated 15.2.1996, the instant plea advanced by the learned counsel for the petitioner does not lie in the mouth of the petitioner.

For the reasons recorded above, we find no merit in this petition. The same is, accordingly, dismissed.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

29.08.2006
sk.